

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MICHAEL PATRICK PAIGE,**

**Petitioner,**

**v.**

**CASE NO. 20-3255-SAC**

**STATE OF KANSAS,**

**Respondent.**

**ORDER OF DISMISSAL**

This matter is a petition for habeas corpus filed by a prisoner in the Sumner County Jail (SCJ). Petitioner commenced this action on October 14, 2020. On the same day, the clerk of the court mailed petitioner a notice of deficiency. On November 9, 2020, the notice was returned as undeliverable. It appears that petitioner is no longer held at the SCJ and has not provided a current address, as required by D. Kan. R. 5.1(c)(3). On November 12, 2020, the Court entered an Order to Show Cause (OSC) to petitioner, directing him to show cause on or before November 23 why this matter should not be dismissed. The copy of the OSC mailed to petitioner was returned as undeliverable on November 20, 2020.

Rule 41(b) of the Federal Rules of Civil Procedure "authorizes a district court, upon a defendant's motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or 'a court order.'" *Young v. U.S.*, 316 F. App'x 764, 771 (10th Cir. 2009) (citing Fed. R. Civ. P. 41(b)). "This rule has been interpreted as permitting district courts to dismiss actions *sua sponte* when one of these conditions is met." *Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31

(1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)).  
"In addition, it is well established in this circuit that a district court is not obligated to follow any particular procedures when dismissing an action *without prejudice* under Rule 41(b)." *Young*, 316 F. App'x at 771-72 (citations omitted).

Due to petitioner's failure to prosecute this action by advising the Court of his current address, this matter will be dismissed without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

**IT IS SO ORDERED.**

DATED: This 23rd day of November, 2020, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge